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COMMISSIONERS
JEFF HATCH-MILLER - Chairman
WILLIAM A. MUNDELL
MARC SPITZER
MIKE GLEASON
KRISTIN K. MAYES



Executive Director

22

ARIZONA CORPORATION COMMISSION

DATE: April 11, 2006

DOCKET NO: T-04116A-05-0009

TO ALL PARTIES:

Enclosed please find the recommendation of Administrative Law Judge Amy Bjelland. The recommendation has been filed in the form of an Order on:

ECONODIAL, LLC

(CC&N CANCELLATION)

Pursuant to A.A.C. R14-3-110(B), you may file exceptions to the recommendation of the Administrative Law Judge by filing an original and thirteen (13) copies of the exceptions with the Commission's Docket Control at the address listed below by **4:00 p.m.** on or before:

APRIL 20, 2006

The enclosed is NOT an order of the Commission, but a recommendation of the Administrative Law Judge to the Commissioners. Consideration of this matter has tentatively been scheduled for the Commission's Open Meeting to be held on:

MAY 2 AND 3, 2006

For more information, you may contact Docket Control at (602)542-3477 or the Hearing Division at (602)542-4250. For information about the Open Meeting, contact the Executive Director's Office at (602) 542-3931.

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AZ CORP COMMISSION
DOCUMENT CONTROL
BRIAN C. McNEIL
EXECUTIVE DIRECTOR

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2 **BEFORE THE ARIZONA CORPORATION COMMISSION**

3 COMMISSIONERS

4 JEFF HATCH-MILLER Chairman
5 WILLIAM A. MUNDELL
6 MARC SPITZER
7 MIKE GLEASON
8 KRISTIN K. MAYES

9 IN THE MATTER OF THE APPLICATION OF
10 ECONODIAL, LLC FOR CANCELLATION OF
11 ITS CERTIFICATE OF CONVENIENCE AND
12 NECESSITY TO PROVIDE RESOLD LONG
13 DISTANCE TELECOMMUNICATION SERVICES.

DOCKET NO. T-04116A-05-0009

DECISION NO. _____

ORDER

14 Open Meeting
15 May 2 and 3, 2006
16 Phoenix, Arizona

17 **BY THE COMMISSION:**

18 Having considered the entire record herein and being fully advised in the premises, the
19 Arizona Corporation Commission ("Commission") finds, concludes, and orders that:

20 **FINDINGS OF FACT**

21 1. Econodial, LLC ("Econodial" or "Applicant") has a Certificate of Convenience and
22 Necessity ("Certificate") to provide resold long distance telecommunications services in the State of
23 Arizona pursuant to Decision No. 65983 (June 17, 2003).

24 2. On January 7, 2005, Applicant filed an application for cancellation of its Certificate,
25 indicating that it does not have any customers in Arizona.

26 3. On January 18, 2005, the Commission's Utilities Division ("Staff") filed a Letter of
27 Insufficiency and First Set of Data Requests.

28 4. On February 15, 2005, Applicant filed additional information in the docket relating to
its request to cancel its Certificate.

5. On February 16, 2005, Staff filed a Letter of Insufficiency and Second Set of Data
Requests. This request asked Econodial to provide a copy of the legal notice of the application to
cancel its Certificate in all counties affected by the Application. Service of the Second Set of Data

Requests was acknowledged with the signature of Econodial's Vice President of Regulatory Affairs, Stanley H. Golove, on the certified mail's return receipt. Econodial has not filed anything further in this docket, nor has Staff been able to contact Econodial by telephone since this Second Set of Data Requests.

6. On March 20, 2006, Staff filed a Staff Report, recommending approval of the application to cancel Applicant's Certificate without a hearing. Staff further recommended waiving the requirement that Econodial file an affidavit of publication that legal notice was provided statewide to discontinue resold long distance telecommunications services.

7. During 2004, Econodial had approximately 30 customers in Arizona, all of whom voluntarily changed carriers during that year. Staff stated that Econodial did not send notice to its customers in Arizona because it had no residential or business customers in the last months of service. No affiliates of Econodial offer telecommunications services in Arizona.

8. Econodial was not authorized to collect advances, deposits or prepayments and therefore had no performance bond.

9. Staff indicated that there are no open complaints, inquiries or opinions concerning Applicant.

10. Numerous other carriers in Arizona offer services similar to those that Applicant is currently certificated to provide.

11. No Arizona customers will be affected by the requested cancellation.

CONCLUSIONS OF LAW

1. Applicant is a public service corporation within the meaning of Article XV of the Arizona Constitution and A.R.S. §§ 40-281 and 40-282.

2. The Commission has jurisdiction over Applicant and the subject matter of the application.

3. The cancellation of Applicant's Certificate is in the public interest.

4. Pursuant to A.R.S. § 40-282, the Commission may issue this Decision without a hearing.

5. Staff's recommendation is reasonable and should be adopted.

ORDER

IT IS THEREFORE ORDERED that the Certificate of Convenience and Necessity granted to Econodial, LLC, in Decision No. 65983 is hereby cancelled.

IT IS FURTHER ORDERED that the requirement that Econodial, LLC file an affidavit of publication that legal notice was provided statewide to discontinue resold long distance telecommunications services shall be, and hereby is, waived.

IT IS FURTHER ORDERED that this Decision shall become effective immediately.

BY ORDER OF THE ARIZONA CORPORATION COMMISSION.

 CHAIRMAN

 COMMISSIONER

 COMMISSIONER

 COMMISSIONER

 COMMISSIONER

IN WITNESS WHEREOF, I, BRIAN C. McNEIL, Executive Director of the Arizona Corporation Commission, have hereunto set my hand and caused the official seal of the Commission to be affixed at the Capitol, in the City of Phoenix, this ____ day of _____, 2006.

 BRIAN C. McNEIL
 EXECUTIVE DIRECTOR

DISSENT _____

DISSENT _____

AB:mj

1 SERVICE LIST FOR: ECONODIAL, LLC

2 DOCKET NO.: T-04116A-05-0009

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